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FOR THE HARD OF
HEARING

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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In the Matter of)

Closed Captioning and Video Description)
of Video Programming)

MM Docket No. 95-176

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NOTICE OF INQUIRY

COMMENTS OF THE LEAGUE FOR THE HARD OF HEARING IN THE
NOTICE OF INQUIRY REGARDING CLOSED CAPTIONING AND VIDEO
DESCRIPTION

To the Commission:

The League for the Hard of Hearing is writing in response to your request for comments in the "Notice of Inquiry", FCC 95-484, in the above captioned proceeding, released December 4, 1995.

The Commission seeks to assess the current availability, cost, and uses of closed captioning and video description, and to assess what further Commission actions may be appropriate to promote these services. It also seeks comment on the appropriate means of promoting their wider use in programming delivered by television broadcasters, cable operators, and other video programming providers.

The League for the Hard of Hearing is an agency that has been providing services to people who are deaf, deaf-blind, and hard of hearing for the last 86 years. Annually, the League provides services to over 13,000 individuals and their families from all economic, social and ethnic backgrounds. We offer a comprehensive programs of diagnostic, rehabilitation, counseling and education programs. We are well aware of the problems facing people who are deaf and hard of hearing when they attempt to get access to television programming.

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We are limiting our comments to requests regarding closed captioning. Our response to this inquiry follows:

III. The Public Interest Benefits of Closed Captioning and Video Description

11. The Commission seeks information regarding the number of individuals in this country with hearing disabilities. According to the National Institute on Deafness and Other Communication Disorders, more than 28 million Americans are believed to have impaired hearing, from those with a mild hearing loss to those with a total loss of hearing.¹ When estimating the size of this population, the Commission should take into consideration the tendency of people with a mild to moderate hearing loss to deny hearing difficulty altogether.² In addition, the number of persons with hearing disabilities is expected to "increase substantially in the next few decades due to increasing longevity and the consequent overall aging of the population" and a "substantial number of hearing impairments are caused by environmental factors such as noise, drugs and toxins...."³

The Commission also seeks information on the importance and nature of the benefits of closed captioning and video description. We at the League have experience working with people who are deaf and hard of hearing who have in the past and who currently enjoy closed captioned programming. We know people who would otherwise be unable to have access to programming at all. The benefits for people who are deaf and hard of hearing include: gaining access to education and information (news); enjoying a source of entertainment; and learning about and finding a connection to other cultures and the greater community, from which people who are deaf and hard of hearing can find themselves cut off.

Captioning can also be a source of vital information that could easily affect the well being of people who are deaf and hard of hearing. For example, during the blizzard that hit the East Coast this winter, several television network channels in the New York City area which were already providing live captioning of their programming were able to provide emergency information on an ongoing basis. One channel in our area that did not have captioning provided sign language interpretation of the weather report only, providing access in a very limited way, both in terms of the amount of programming with such coverage (only the weather report, not the news of how the snow emergency was affecting schools and government offices, road conditions, etc.), but also limited in its reach (while that portion of the public who understand sign language gained access to the weather information, people who are hard of hearing who have no understanding of sign

¹ National Institute of Health, National Institute on Deafness and Other Communication Disorders, *National Strategic Research Plan for Hearing and Hearing Impairment and Voice and Voice Disorders*, NIH Publication No. 93-3443 (1992) pp. v, 5.

² Teri D. Holt and Catherine D. Seeger, "Rehabilitation Assessment: Audiologic Findings Over a 3-Year Period," *The Journal of Rehabilitation*, Volume 61, Number 4, October/November/December 1995, at 59.

³ National Institute of Health, National Institute on Deafness and Other Communication Disorders, *National Strategic Research Plan for Hearing and Hearing Impairment and Voice and Voice Disorders*, NIH Publication No. 93-3443 (1992) at 5.

language, were excluded, as were people with dual disabilities low vision and hearing loss).

That is also true for public announcements in public places: people who were in airports during the snow emergency were in even greater need of accurate information in an environment that was noisy and difficult for even people with adequate hearing to hear. Captioning in those cases clearly provides a public service to people who are deaf and hard of hearing.

Also, technology has the capacity to handle more than one coded caption, so that switching to a second "channel" will allow the viewer to see the programming captioned in a different language, if the program has been so encoded. This could be valuable not only for people who speak a foreign language, but native English speakers, adults and children alike, who wish to learn a second language.

12. The Commission seeks comment on the nature and extent of the potential benefits to people who are not deaf or hard of hearing. Children, adults who are functionally illiterate, and people who are learning English as a second language may use and benefit from closed captioning, by virtue of being able to learn to read and hear the language simultaneously.

It is also beneficial for all viewers in situations where the environment is noisy, such as airport and train terminals, hotel lobbies and waiting rooms. When important news is viewed in a noisy environment, it could benefit those around, by alerting them to the situation they may otherwise have missed because it could not be heard.

Likewise, for families in which one or more members are able to hear and others not, captioning enhances the ability of families to enjoy programs and learn important information simultaneously. This attention to needs of families is extremely important. For example parent/child interaction; deaf parent being able to respond to urgent notices on behalf of non-deaf children, fulfilling the parental role; psychosocial development is also encouraged by virtue of families being able to discuss relevant topics that are presented by programs.

IV. Availability of Closed Captioning and Video Description

14. The Commission requests data regarding the current availability of closed captioning of television video programming. In a recent survey of 376 people, advocates for better communication (a.b.c.), an association of volunteers allied with the League for the Hard of Hearing, found that 81% of consumers who responded reported that they missed much of the dialogue when captioning was absent and that they would like to see more programming. When asked on which three types of programming consumers would like to see more captioning, the top four choices were: news programs; old movies; public TV; and Cable TV. A summary of that survey is attached.

VII. INQUIRY REGARDING MANDATORY CAPTIONING AND VIDEO DESCRIPTION REQUIREMENTS

29. The Commission seeks comments of the appropriate balance that should be struck between providing access to Americans with disabilities through closed captioning and video description and the costs and burdens imposed by mandatory requirements. We at the League for the Hard of Hearing appreciate the necessity to strike such a balance. But we do believe that the standard for exemption from requirements for closed captioning should be the "undue burden" standard. That standard allows for producers and/or providers who are smaller and less able to comply because of financial constraints a reasonable exemption, is consistent with the language used in the Americans with Disabilities Act, and provides an audience who would otherwise be excluded access to the programming.

The production and provision of television programming by its very nature is an industry that incurs great expense; even so called "low budget" productions incur costs that require producers to seek financial support from outside investors. Captioning a program is in most cases only a small percentage of the total production budget. When considering whether to use the more strict language, it must be remembered that the costs for captioning in relation to the total budget is small and their audience of people who are deaf or hard of hearing is large in that they have few other options to gain access.

We do not believe that factors such as programming types or small programming providers or producers should be categorically exempted from captioning requirements. Even small producers/providers may be capable of gaining access to sources of funding for a particular project that would allow a portion of their budget to be earmarked for captioning. It would be far better to require all programming to be captioned, unless the cost of captioning falls beyond a certain percentage of the total production cost, that percentage to be determined by the Commission. The League recommends that any final statement should include the provision that after a date certain, all programs would be captioned. Such a statement would encourage the attainment of captioning equipment and skills to build this into all budgets. This is especially vital in that hearing loss can occur at any time to any person, therefore universal access in this arena is recommended.

30. The Commission seeks comments on approaches that would minimize administrative burdens and FCC oversight. Again, we believe that the criteria for exemption should be based on total cost of production: when the cost of captioning falls beyond a certain percentage of the total production cost of a given program, that producer should be exempt from the requirement to caption. However, the Commission should take into consideration cases where the profit on return is far greater than initial budget expenditures. For example, cases in which a low budget production with expectations of a significant second line home purchase of the video of the production after the program has been broadcast. In such cases, percentage of the budget devoted to advertising might well be considered.

31. The Commission requests comment on whether there are particular types of programs for which it is either impractical or unnecessary to provide closed captioning. We believe there is no type of programming that should be exempt from closed captioning. Whenever there is any audio portion of a program, it should be made accessible to people who are deaf and hard of hearing by the use of captioning.

33. The Commission requests comment on the accuracy of closed captioning on television programming. The accuracy of current captioning varies widely. The issue does not appear to be a technological issue - broadcast of the signal appears to be readily accomplished without significant problem.

However, the accuracy by the transcribers is an issue. Pre-recorded programs tend to be more accurate than live captioning for obvious reasons - the ability to spend the time to proofread the captions before they are aired.

Live transcription is much more difficult to accomplish with accuracy. Currently, the National Court Reporter's Association will certify a person as a Realtime Reporter only after they have passed a five minute "take" (test) of 180-200 words per minute with 96% accuracy. We feel this is adequate. While 100% accuracy is an ideal, 96%-98% accuracy is currently a reasonable expectation and is readable and understandable for the viewing community. Our expectation is that as more transcribers become more skilled, and as the software the transcribers use becomes more advanced, the problem of accuracy will be even less of an issue.

However, the Commission should consider regulations that require the provider of live programming to hire a second or third standby captioner if the programming extends beyond an hour and a half. After that time, fatigue of the transcriber will affect accuracy.

There is another aspect of captioning that the Commission should be aware of: verbatim versus summarized captioning. There has been some suggestion that captions should be simplified to allow for ease in reading while watching the programming. We feel that the Commission should require verbatim captioning of the spoken word. Only in cases where the dialogue runs so long that it is impractical to caption the entire dialog in a given segment should the captioner shorten or summarize the captions - and then only for that segment. Transcription should not be simplified based on expectations that those people who depend on captions are somehow less competent in English than the larger viewing public. Producers/providers should keep in mind that the goal of captioning is to provide access to the same information that all other people have access to, not a reinterpretation or simplification of that material.

34. The Commission requests comment on the appropriate timetables for implementing any closed captioning requirements that may be imposed. Considering that currently a good deal of programming is being captioned, that the technology is readily available, and that it provides access to a significant segment of the population, we believe

that the timetable should be set up that provides captioning for all programming within the next two years. We believe this timetable takes into consideration the important public interest that is served by providing people who are deaf and hard of hearing access to programming.

35. The Commission seeks comment on ways to promote competition and innovation in the provision of closed captioning and video description. Currently, consumers find that programming which is in fact closed captioned is often not advertised as such. We believe that should programmers/providers consistently and accurately advertise the fact that their programs are closed captioned they will reach a wider audience. Also, education of consumers who presently are unaware of the availability and benefits of closed captioning should go a long way toward promoting competition and innovation. To that end, the Commission should consider a national consumer education program for the consumer.

The League for the Hard of Hearing recognizes and commends the Commission for initiating this inquiry to assess closed captioning and video description. We believe that closed captioning is an innovative use of existing technology to make programming accessible to a large segment of citizens who would otherwise have no access to such programming. Further it is sensitive to family needs in which members or relatives of the family can enjoy programs and announcements simultaneously. We hope our comments have been of some help to the Commission in considering the issues at hand.

Respectfully submitted,



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Executive Director

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RESULTS OF *abc*'s CAPTIONING SURVEY

A questionnaire was recently sent by *abc* to 376 members in order to obtain opinions on closed caption television. We received 84 replies (22%), considered a good response for a targeted survey. Please note that not all members of *abc* have a hearing loss and/or watch television with closed caption capability. Further, it is interesting to note that two replies were from groups - one a senior citizens club, and the other from residents of a nursing home.

Following are the results of nine questions:

1- Do you have a hearing loss? Yes - 93% No - 7%

2- If you have a hearing loss, do you wear a hearing aid? Yes - 83% No - 17%

3- Do you use the closed caption capability on your TV set?
 Whenever possible - 80% Only sometimes - 8% No - 12%

Some replies indicated that captioning was not watched on their home TV but at other locations - neighbors, day clubs, nursing homes. Others said that assistive listening devices also were used while watching TV.

4- When watching a TV program without captioning, do you miss much of the dialogue?
 Yes - 81% Sometimes - 17% No - 2%

The value of captioning is shown when in its absence, 81% of respondents are missing MUCH of the dialogue, AND 17% miss dialogue SOMETIMES. Reflective of comments offered: "I do not watch non-captioned TV shows."

5- Generally speaking, are you satisfied with the quality of captioning available?

On a scale of 1 to 5, with 5 being excellent and 1 being poor, the replies were:

POOR	AVERAGE	EXCELLENT
1- 1%	2- 6% 3- 38%	4- 43% 5- 12%

A majority, 55% (43% above average, 12% excellent), gave a high rating to the quality of captioning. One person who gave a poor rating felt, "Words are moving too quickly."

6- Would you like the size of the letters on captioned TV to be:

Unchanged - 71% Larger - 24% Smaller - 4%

Viewers are generally satisfied with the size of captioning. Some commented that captioning size should be "adjustable".

7- Do you prefer the captioning to be at:

Bottom of screen - 39% Top of screen - 3% Have both available - 58%

There is no strong preference for captioning at the top of the screen, however, 58% of the respondents strongly favor having both the top and bottom of the screen available. This may reflect the tendency of programs to provide the speaker's name, professional affiliation, or geographical location of a news story on the bottom of the TV screen.

8- Would you like captioning to show the speaker's name? Yes- 64% No - 36%

Among those who would like to see the speaker's name, some believe it is imperative.

9- Would you like to view more captioned programs? (Choose only three.)

News programs - 65%	Old Movies - 51%	Public TV - 47%
Cable TV - 43%	Daytime shows - 15%	Children's shows - 3%

The choices reflect the viewing needs of respondents. In order to better understand dialogue, more captioning is most wanted on news programs, old movies, public TV and cable TV stations.

FINALLY, we asked respondents to give their opinions on any of the following:

a. Verbatim versus rewritten dialogue: The overwhelming choice is for verbatim captions when possible. One comment: "Captions should not be rewritten or simplified to reflect flavor of dialogue. Our hearing family members tell me the dialogue is being changed. I want to be able to read everything a hearing person hears from my captioned program".

b. Size of caption letters - too big or too small: Respondents feel the present size of captioning is acceptable.

c. Caption background - Black with white letters, White with black letters, Colored letters, Colored background or transparent background:

Strongly favored were white letters with black background. A comment: "Would like to try transparent background."

d. The shape (font) of letters - All capital (upper case) or Upper & lower case:

All upper case is generally preferred. It is clear and easy to read. A comment: "I am pleased with captioning as it is done now, although occasionally the words are jumbled."

e. Identification of speaker:

Respondents would like speaker identification as needed. Comments:

"When captions block the name of a speaker, put the captions on top in such cases."

"Speaker should be identified."

"If it can be difficult to know who is speaking, identify the speakers somehow, one on top and one on bottom, one with upper case, one in lower case, change the color of captions. Use some sort of identification."

f. Location of captions:

Placing captions at the bottom of the screen is preferred and acceptable except when it covers identification of the speaker. Caption viewers are very disappointed and unhappy when they can't read the speaker's identification. They hope that captioning would automatically switch to the top of the screen at those times. Comments:

"Have problems when captions conceal scores of sporting events therefore must have bottom and top of screen capability."

"My biggest gripe is the name of the speaker is sometimes obliterated by the captioning."

"Sometimes captions disappear."

g. Identification of music, background noise or emotions of the speaker:

Caption viewers would like whatever would be helpful. Comments:

"Music in background is very disruptive to me. I lose a lot of what is being said."

"When movies give precise identification of music and emotions, it is a big plus."

MISCELLANEOUS COMMENTS:

"Would like to see weather and special attractions captioned."

"I think closed captions are wonderful."

"I like captioning. I love captioning! Keep on getting us captioning! . . . Captioning makes me happy. How about a button -

"Happiness is captioned TV."

"We are just so happy having the captioning available. It is hard to be objective or critical or to suggest improvement. Thanks."

"Misspelling of words is distracting."

"Captioned TV is a blessing!!! I only wish it were more widely available. Good luck with your efforts to make captioning more widely available."

"We need captions for all news programs because the reporters jump from topic to topic and sometimes their faces are not on the screen. It is important for us to follow the events happening in the world."

"At times a program is listed as "CC" in the newspaper but when you put the TV on, the show is not captioned."

"We need captions on programs that have weather and critical news and/or warnings about traffic, highway closings, etc."

abc thanks all who participated in this survey. Some of your questionnaires reached us without your return address but in some cases, they were attached. So thanks again to all the friends of **abc** in:

Margate, Fla.; West Palm Beach, Fla.; Chicago, IL; Newton, Me.; Livingston, NJ; Maplewood, NJ; Ridgewood, NJ; West New York, NJ; Elmhurst, NY; Bethpage, NY; Bronx, NY; Brooklyn, NY; Forest Hills, NY; Great Neck, NY; Jamaica Estates, NY; Kew Gardens, NY; Manhattan, NY; Mount Kisco, NY; Queens, NY; Southold, NY; Staten Island, NY; Easton, Pa.; Wilkes Barre, Pa.

Thanks for sharing your thoughts.

Joseph Gordon, **abc** Caption Committee Chairman

LEAGUE FOR THE HARD OF HEARING

FACT SHEET

The League for the Hard of Hearing is the oldest hearing rehabilitation agency in the country, offering a comprehensive program of services to enable infants, children and adults to better function in a hearing world. Annually the League provides services to over 13,000 individuals and their families from all economic, social and ethnic groups regardless of the degree of hearing loss or choice of communication style.

THE LEAGUE was founded in 1910 to help find jobs for people who were hard of hearing. Today the League offers people who are hard of hearing and deaf access to diagnostic, rehabilitation, counseling and education programs. Its staff of professionals — audiologists, speech language pathologists, rehabilitation counselors, nurse, otologists, psychologists, social workers, technicians, job developers — form a team whose sole purpose is to bring the highest quality care any agency can offer. No one is ever denied services because of one's inability to pay.

LICENSED:

State of New York Dept. of Health,
as an Out-of-Hospital Facility.

APPROVED:

State of New York Office of Mental Health.

ACCREDITED:

American Speech-Language-Hearing
Association and International Association of
Counseling Services, Inc.

MEMBER AGENCY:

United Way of New York City.

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Language-based academic
support program

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Multi-disciplinary team evaluation

☐ TECHNICAL SERVICES

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Hearing aid repair
Assistive devices center
Assistive devices consultation

☐ PSYCHOLOGICAL SERVICES

Psychological evaluation
Educational evaluation
Vocational evaluation
Parent counseling
& Parent education workshops
WISH (Working to Improve Strategies
for Hearing)

☐ MENTAL HEALTH SERVICES

Psychiatric evaluations and treatment
Psychotherapy: individual,
family, and group

☐ SOCIAL WORK

Information & referral
Financial aid
Case Management

☐ CAREER DEVELOPMENT

Educational/Career counseling
Awareness training in the workplace
Employer sensitivity training
Career mentor program
College readiness and
preparatory program
Job readiness counseling
Job coaching
Job development/Job placement
WISE (Working to Improve Strategies
in Employment)

☐ RESEARCH /TRAINING DEVELOPMENT

Research and information in areas of
hearing loss
Applied research
Program development
Training opportunities

☐ RECREATION

Captioned films
Social club for senior citizens
Contract bridge lessons
LINK, a social group for working adults

☐ PUBLIC EDUCATION/COMMUNITY OUTREACH

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Library
Noise Center/Anti-Noise Campaign
Professional training
Publications/video/audio materials
Hearing Rehabilitation Quarterly
Speakers Bureau
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outreach & advocacy
a.b.c. (advocates for better
communication)
Museum of Hearing

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Planned Giving program
Benefactors for the 21st Century
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The League Letter
Membership